

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION

IN RE:

TODD ALLEN FULCHER

DEBTOR

CASE NO. 10-00169-8-RDD

S.S. NO. xxx-xx-4400

CHAPTER 7

MOTION BY BRANCH BANKING AND TRUST COMPANY
TO EXTEND DEADLINE TO FILE COMPLAINT OBJECTING TO DISCHARGE
OR TO DETERMINE DISCHARGEABILITY OF CERTAIN DEBTS

Now comes Branch Banking and Trust Company (“BB&T”), and moves the court for an Order extending the deadline to file a complaint objecting to the Debtor’s discharge or to determine the dischargeability of certain debts pursuant to Bankruptcy Rule 4004(b). In support of the Motion, BB&T shows unto the court as follows:

1. This matter is a core proceeding pursuant to 28 U.S.C. §157, and the court has jurisdiction pursuant to 28 U.S.C. §§151, 157, and 1334. The court has the authority to hear this matter pursuant to the General Order of Reference entered by the United States District Court for the Eastern District of North Carolina.

2. The Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on January 9, 2010. The case was converted to Chapter 7 on February 18, 2010, and Walter L. Hinson was appointed as the trustee to administer the case.

3. Rules 4004(b) of the Federal Rules of Bankruptcy Procedure provides that the court may, for cause, extend the time fixed for filing complaints objecting to a debtor’s discharge upon the motion of a party in interest, provided that such motion is made before the time for filing such complaints has expired.

4. The time for filing objections to the discharge of the Debtor will expire on or about June 1, 2010 and such time has not expired.

5. BB&T requests an extension of the deadline to file a complaint to object to discharge or dischargeability of certain debts in order to further investigate whether sufficient facts exist to object to the Debtor's discharge or to determine all or a portion of the debts nondischargeable.

Wherefore, BB&T prays for the court to extend the deadline for filing a complaint to object to the discharge of the Debtor or to determine the dischargeability of all or a portion of the debt to BB&T for sixty (60) days, which will be up to and including August 2, 2010, and to grant such other and further relief as the court deems just and proper.

Dated: May 17, 2010

POYNER SPRUILL LLP

By: s/ James S. Livermon, III
N.C. State Bar No. 26492
Attorneys for Branch Banking and Trust Company
Post Office Box 353
Rocky Mount, NC 27802-0353
Telephone: (252) 446-2341

CERTIFICATE OF SERVICE

I, the undersigned, of Poyner Spruill LLP, hereby certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on this day, I served a copy of the foregoing Motion by Branch Banking and Trust Company to Extend Deadline to File Complaint Objecting to Discharge or to Determine Dischargeability of Certain Debts on:

Todd Allen Fulcher
1011 Pollock Street
New Bern, NC 28562

by depositing the same in the United States mail, first class, postage prepaid.

That on this day, the foregoing Motion by Branch Banking and Trust Company to Extend Deadline to File Complaint Objecting to Discharge or to Determine Dischargeability of Certain Debts was served by electronic means through the court's CM/ECF service on:

Jessie Corwin, Esq.
Attorney for Debtor

Walter L. Hinson, Esq.
Chapter 7 Trustee

Marjorie K. Lynch Esq.
Bankruptcy Administrator

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 17, 2010

POYNER SPRUILL LLP

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NC State Bar Number 26492
Attorneys for Branch Banking and Trust Company
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